

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIP ELLIS FOSTER,

Plaintiff,

-v-

UNITED STATES OF AMERICA, *et al.*,

Defendant.

No. 22 Civ. 4496 (JLR)

~~[PROPOSED]~~ ORDER

WHEREAS, this case is scheduled for trial beginning on February 18, 2025, *see* ECF No. 81;

WHEREAS, the trial will be held at the Daniel Patrick Moynihan United States Courthouse at 500 Pearl Street, New York, NY (the “Courthouse”) in Courtroom 20B;

WHEREAS, the parties have agreed that proposed Joint Exhibit 1 and proposed Defendants’ Exhibits 8, 9, and 10—four easel paintings commissioned under the Works Progress Administration, including *Lights Across the Lake* by Maxim Lubovsky (together, the “Paintings”)—may be displayed on their accompanying easels, introduced into evidence, and used as exhibits at the trial, *see* Joint Pretrial Order Part XII, ECF No. 95; and

WHEREAS, Defendants seek to bring the Paintings and the accompanying easels into the Courthouse in advance of the trial and store them at the Courthouse during the course of the trial until its conclusion;


IT IS HEREBY ORDERED that the Paintings and accompanying easels, all described below, may be brought into the Courthouse on any day between February 5, 2025, and February 18, 2025:

1. A framed oil painting titled *Lights Across the Lake*, approximately thirty-seven-and-a-half inches by thirty-one-and-a-half inches in size, to be carried in a “slipcase.”
2. A framed oil painting titled *Fruits and Vegetables*, approximately thirty inches by thirty-six inches in size, to be carried in a “slipcase.”
3. A framed oil painting titled *Wild Horses in a Dale*, approximately thirty inches by twenty-four-and-a-half inches in size, to be carried in a “slipcase.”
4. A framed oil painting titled *Sleep*, approximately twenty-nine inches by thirty-five inches in size, to be carried in a “slipcase.”
5. Four easels, each approximately sixty inches by twenty-seven inches by three inches in size, when folded.

IT IS FURTHER ORDERED that these objects may be brought to, and stored in, a “witness room” in Courtroom 20B in advance of the February 18, 2025 trial in the above-captioned matter.

IT IS FURTHER ORDERED that these objects may be brought to Courtroom 20B on February 18, 2025, or February 19, 2025, and then kept in Courtroom 20B until the end of the trial, which is expected to conclude by the close of the business day on February 21, 2025.

SO ORDERED:



HON. JENNIFER L. ROCHON
United States District Judge

Dated: February 7, 2025